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Section 16

State Water Plan - Cedar/Beaver Basin

Federal Water Planning and Development

16.1 Introduction

This section discusses the roles of the 14 federal agencies involved with water resources programs in the Cedar/Beaver Basin. Although the activities of federal agencies are changing, there are still many programs available to benefit basin residents. To make the best use of those available programs requires the local entities to be knowledgeable of ways to access these benefits. With this information, it is possible to develop better interagency and local working relationships.

16.2 Background

With an increase in the regulatory requirements by federal agencies, there is a greater need for the state to fill the void with technical assistance and funding. More and more, the federal government is requiring higher standards for resources use without providing funding to perform the requirements. This is an added cost to state and local governments. This in turn reduces the availability of state and local funds to accomplish existing water resources regulation, conservation and development programs. These federal mandates are influencing the ability of the state to respond to local requests.

16.3 Federal Concerns

Four concerns were identified in the 1990 *State Water Plan*²¹ by federal agencies. The last three of these apply to the Cedar/Beaver Basin. These concerns were (1) reserved water rights, (2) interrelated planning, (3) stream and riparian habitat loss, and (4) water rights filings. Progress has been made on all of these concerns.

One other concern has been raised since the *State Water Plan* was published. This is the lack of coordination between federal, state and local officials during the planning and implementation of the various programs and projects. There has been a coordinating committee organized in southwestern Utah and chaired by the governor. This committee is actively trying to coordinate all water and related-land activities at the state, federal and local level. However, there is still more that can be accomplished to promote better working relationships and understanding.

16.4 Federal Programs and Projected Planning and Development

The various federal agencies and the programs they can provide are briefly described on the following pages.^{1,67} (Also see Section 8). Some

■ The role of the federal government is changing from one of construction and development to one of management, preservation, conservation and maintenance. Federal funding programs are decreasing while regulatory programs are increasing.

projected planning and implementation being considered by various agencies are also discussed. On October 20, 1994, the Secretary of Agriculture signed a memorandum implementing the reorganization authorities contained in H.R. 4217, the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994, Public Law No. 103-354. This reorganization changes the name and activities of some federal agencies involved in the state water planning effort. These changes, as they effect the *State Water Plan*, are briefly discussed in the following subsections.

16.4.1 Agricultural Stabilization and Conservation Service (Abolished, see Subsection 16.4.5, Consolidated Farm Service Agency)

The Agricultural Stabilization and Conservation Service is now part of a new agency: "Consolidated Farm Services Agency." The old agency description follows. The Beaver, Iron and Washington counties Agricultural Stabilization and Conservation (ASC) committees meet periodically with their respective County Program Development Groups. Their goal is to identify problems and develop conservation practices to solve them. This assures effective conservation on the ground.

Agricultural Conservation Program (ACP) -

The ACP is designed to help reduce soil erosion and water pollution, protect and improve productive farm and ranch land, conserve water used in agriculture, preserve and develop wildlife habitat and encourage energy conservation measures.

Only those practices significantly contributing to these objectives and also those not required as a condition of receiving assistance through other federal programs are eligible for cost-share assistance. The ACP is administered by state and county committees composed of lay members working under the general direction of the Agricultural Stabilization and Conservation Service. The Soil Conservation Service, Forest Service and Utah Division of Sovereign Lands and Forestry are responsible for providing technical program guidance. The County Cooperative Extension Service provides educational support.

Emergency Conservation Program (ECP) - The ECP provides emergency cost-share funds to rehabilitate farmlands damaged by wind erosion, floods or other natural disasters and for carrying out emergency water conservation measures during periods of severe drought.

Conservation Reserve Program (CRP) - The CRP was created by the Food Security Act. It calls for

removing highly erodible lands from production so they can be protected. It also promotes maintaining wetlands for wildlife habitat and water quality.

16.4.2 Bureau of Indian Affairs

The Bureau of Indian Affairs, under the trusteeship exercised by the Secretary of the Interior, works cooperatively with the Indian people and their tribal leaders. Their goal is to assure the most effective and productive use and development of their resources, including water resources. There is a band of Southern Paiutes now living in northeastern Cedar City where a headquarters has been established. They have tracts of reservation lands south of Cedar City and north of Cove Fort.

16.4.3 Bureau of Land Management

The Federal Land Policy and Management Act gives the Bureau of Land Management (BLM) authority for inventory and comprehensive planning for all public lands and resources under its jurisdiction.²⁹ This includes water resources with the mandate to comply with applicable laws. They are also responsible for managing the existing and proposed wilderness areas, wild and scenic rivers and all recreational uses associated with these rivers.

Water resources, in quantity and quality, are key factors in managing all terrestrial and aquatic resources on public lands in the Cedar City and Richfield districts. Water resources are often small and dispersed sources. Water sources on public lands are rapidly becoming a major determinant of resources management alternatives. The BLM manages riparian habitats of springs, seeps, streams, lakes, reservoirs and ponds to help provide high quality water resources for beneficial downstream uses.

Collection of water resources quantity and quality data is needed for all programs. The BLM is also responsible for planning the use of these resources on the public lands in coordination with state and other agencies. All of these data become a part of a draft "resource management plan" (RMP) for a given area. After public input, these become management plans for resources on BLM administered land. The published *Cedar, Beaver, Garfield, Antimony Resource Management Plan* covers all of the Cedar/Beaver Basin except for the Clear Lake area north of Black Rock, the Warm Springs area and the area in Washington County.

16.4.4 Bureau of Reclamation

There are four broad categories of water resources programs administered by the Bureau of

Reclamation. These are investigations, research, loans and service, all requiring close cooperation with the concerned entities.

Investigation Programs - General investigations are conducted for specific and multipurpose water resources projects. These include an environmental assessment.

Research Programs - Reclamation conducts research on water-related design; construction; materials; atmospheric management; and wind, geothermal and solar power. Most programs are conducted in cooperation with other entities.

Loan Programs - These programs provide federal loans and assistance to qualified organizations wishing to construct or improve smaller and generally less complex water resources development.

Service Programs - These are intergovernmental specialized technical service programs designed to provide data, technical knowledge and expertise to states and local government agencies to help avoid duplication of special service functions. Local governments pay for requested services.

16.4.5 Consolidated Farm Service Agency (New agency)

The Consolidated Farm Service Agency, along with other authorities, has responsibility for the

conservation reserve and agricultural conservation programs presently performed by the Agricultural Stabilization and Conservation Service, farm-related agricultural credit programs presently performed by the Farmers Home Administration, and such other programs related to farm services as may be assigned.

16.4.6 Cooperative State Research, Education, and Extension Service (New agency)

This agency will be assigned responsibility for all cooperative state and other research programs presently performed by the Cooperative State Research Service, all cooperative education and extension programs presently performed by the Extension Service, and such other functions related to cooperative research, education, and extension as may be assigned.

16.4.7 Corps of Engineers

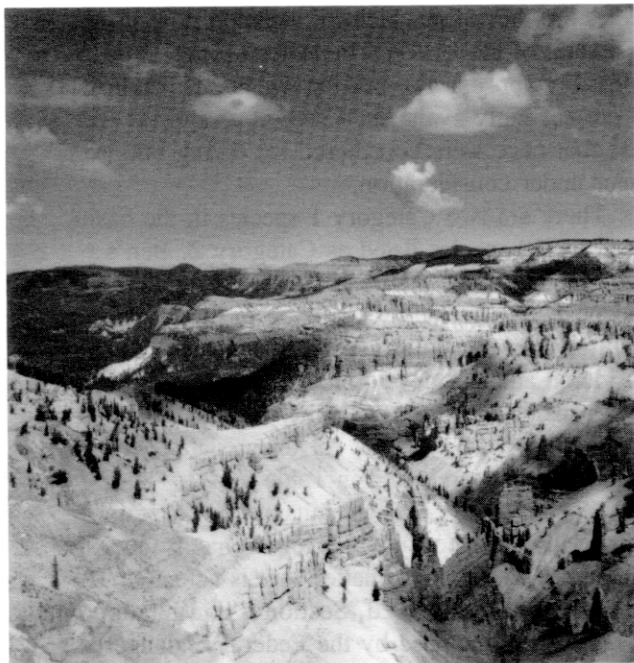
If local interests are unable to cope with a large water resources problem, they may petition their congressional representatives for assistance. Requests for assistance with smaller problems may be made directly to the Corps of Engineers. This allows the Corps to investigate the economic and technical feasibility and social and environmental acceptability of remedial measures. When the directive covers an entire river basin, it is studied as a unit and a comprehensive plan is developed. Close coordination is maintained with local interests, the state and other federal agencies.

Two studies have been completed (1980 and 1994) to determine the feasibility of controlling floods from Coal Creek at Cedar City. The second study (which encompassed the entire Cedar/Beaver Basin) concluded there were still serious flood threats but no potentially feasible federal alternatives.

16.4.8 Environmental Protection Agency

Environmental Protection Agency programs dealing with water resources include the safe drinking water program under the Federal Safe Drinking Water Act and the water pollution control program under the Clean Water Act. The Federal Safe Drinking Water Act, 1974, as amended in 1986, substantially increased the number of regulated drinking water contaminants, added new required treatment methods and made other revisions. The act is currently being considered by Congress for reauthorization.

There are several aspects of the Clean Water Act, including the following:



Cedar Breaks National Monument

National Pollutant Discharge Elimination

System (NPDES) - The NPDES program (Clean Water Act, Section 402) regulates the discharge of point sources of pollutants to waters of the United States.

Construction Grants - This program originally provided grant funds for construction of needed municipal wastewater treatment facilities. It was phased out in 1990 and replaced with a revolving loan fund managed by the state.

Water Quality Management Planning and Non-point Source Pollution Control - Section 205(j) of the Clean Water Act provides funds to states to carry out water quality management planning. Section 319 of the act authorizes funding for implementation of non-point source pollution control measures under state leadership.

16.4.9 Farmers Home Administration (Abolished, see subsections 16.4.5 and 16.4.15)

The Farmers Home Administration is authorized to provide financial assistance for water and waste disposal facilities in rural areas and towns of up to 10,000 people. Priority will be given to public entities in areas smaller than 5,500 people to restore, improve or enlarge a water facility. To be eligible for loan and grant funds, water or waste disposal systems must be consistent with state or subdivisions development plans and regulations. The FmHA also makes loans for RC&D projects.

16.4.10 Federal Emergency Management Agency^{27,28}

Federal Emergency Management Agency (FEMA) programs are related to disaster preparedness, assistance and mitigation. They provide technical assistance, loans and grants.

Presidential Declared Disaster - After a presidential declaration of a major disaster, usually after a state request, grants are available to state and local governments for mitigation of disaster related damage.

Assistance Grants - The FEMA can provide grants on a matching basis to help the state develop and improve disaster preparedness plans and develop effective state and local emergency management organizations. Also, grants are available to develop earthquake preparedness capabilities.

Flood Plain Management - FEMA provides technical assistance to reduce potential flood losses through flood plain management. This includes flood hazard studies to delineate flood plains, advisory services to prepare and administer flood plain

management ordinances and assistance in enrolling in the National Flood Insurance Program. FEMA can also assist with the acquisition of structures in the flood plain subject to continual flooding.

16.4.11 Fish and Wildlife Service

The U.S. Fish and Wildlife Service (USFWS) is responsible for achieving part or all of the mandates of the Endangered Species Act, Fish and Wildlife Coordination Act, Clean Water Act and Migratory Bird Treaty Act. There are no land or water areas in the basin directly managed by the USFWS.

Table 16-1 lists the species considered threatened or endangered and which occur in the Cedar/Beaver Basin. These lists change over time as other species are added when they become threatened or species are removed when they recover. When any activity is planned which may impact a threatened or endangered species, it is the responsibility of the sponsor to take actions to protect them.

The USFWS compiles lists of animal and plant species native to the United States that are being reviewed for possible addition to the List of Endangered and Threatened Species. Such species are generally referred to as candidates. These are assigned to status categories. Category 1 species are those for which the USFWS has on file sufficient information on biological vulnerability and threat(s) to support addition to the endangered and threatened list. Category 2 species are those for which information now in the possession of the USFWS indicates proposing it to list is possibly appropriate, but for which sufficient data are not currently available. Category 3 species are those that once were considered for listing but are no longer under consideration.

There are two Category 1 species in the basin. There are 29 species listed as Category 2. Ben's beardtongue will be added to the next candidate list. These lists are constantly changing to reflect existing conditions. Even though not all of the species are considered aquatic, development for human population growth includes water availability considerations. This may also impact the habitat for terrestrial species. The category species are listed in Table 16-2.

When rights-of-way permits are required on federal lands, the consultation requirement under the Fish and Wildlife Coordination Act is actuated. If federal funds are involved, Section 7 consultation with the USFWS is required by the Federal Endangered Species Act (Also see Section 14). The Section 404 permitting process of the Clean Water Act administered by the Corps of Engineers calls for U.S. Fish and

**Table 16-1
THREATENED OR ENDANGERED SPECIES**

Bald eagle
Utah prairie dog

Peregrine falcon
Arizona willow^a

^a Proposed endangered species.

**Table 16-2
CANDIDATE SPECIES**

Category 1
Mountain Plover
Least Chub

Category 2

Pinyon penstemon
Cinnamon pika
Navajo Lake milkvetch
Frisco Clover
Pink egg milk-vetch
Ostler pepper-grass
Spotted bat
White-faced ibis
Black tern
Western burrowing owl
Western small-footed myotis (bat)
Yuma myotis
Long-legged myotis
Long-eared myotis
Fringed myotis

Plateau catchfly
Cedar Breaks biscuitroot
Bonneville cutthroat trout
Cow plaster wild-buckwheat
Ferruginous hawk
Nevada willowherb
Cedar Breaks goldenbush
Reveal indian paintbrush
Allen's big-eared bat
Northern goshawk
Western least bittern
Pygmy rabbit
Pale Townsend's big-eared bat
Big free-tailed bat

Wildlife Service response on impacts to wetlands as well as threatened or endangered species.

Under the Migratory Bird Treaty Act, all birds are protected with the exception of starlings, English sparrows and pigeons. The Endangered Species Act also prohibits the "taking" of a protected species. Any unpermitted activity on any land that results in "take" of federally listed species constitutes violation of Section 9 of the Endangered Species Act. "Take" under the act is defined as "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect or to attempt to engage in any such conduct." This can include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

16.4.12 Forest Service

Water-related programs of the Forest Service include watershed management; special use authorization for water development projects; and coordination with local, state and federal agencies. They also manage wilderness areas located on national forest lands.

Watershed Management - Watershed protection insures that activities do not cause undue soil erosion and stream sedimentation, reduce soil productivity or otherwise degrade water quality. Water yields may be affected primarily through snowpack management as a result of timber harvest using well-planned layout and design. Potential increases may approach one-half acre-foot per acre for some treated areas, but multiple-use considerations and specific on-site conditions may limit actual increases.

Special Use Authorization - Construction and operation of reservoirs, conveyance ditches, hydropower facilities and other water resources developments require special use authorization and usually an annual fee. Authorization contains conditions necessary to protect all other resources use.

Coordination of water developments by others require communication early in the planning process to guarantee environmental concerns are addressed.

The Forest Service has prepared draft EIS and Land and Resource Management Plans for the Dixie and Fishlake national forests. Final plans will be published after public comment.

16.4.13 Geological Survey

The U.S. Geological Survey (USGS), through its Water Resources Division (WRD), investigates the occurrence, quantity, distribution and movement of surface water and groundwater and coordinates federal water data acquisition activities. This is accomplished through programs supported by the USGS, independent of, or in cooperation with, other federal and non-federal agencies.

The USGS manages continuing programs in cooperation with various state agencies. These include water quality and water level changes in the Cedar/Beaver Basin groundwater reservoirs. They also read and evaluate surface water stream gages.

16.4.14 National Park Service

The National Park Service (NPS) was established in 1916 to promote and regulate the use of national parks, monuments and similar reservations to "conserve the scenery and the natural historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." (39 Stat. 535; 16 U.S. Code 1). The long-range objectives of the NPS are as follows.

1. To conserve and manage the parks for their highest purpose; the natural, historical and recreational resources.

2. To provide the highest quality of use and enjoyment by increased millions of visitors.

3. To develop the parks through inclusion of additional areas of scenic, scientific, historical and recreational value.

4. To communicate the cultural, natural, inspirational and recreational significance of the American heritage.

In fulfillment of these objectives, NPS performs the following functions.

- Manages the 6,300 acres in Cedar Breaks National Monument, 5,360 acres in the Cedar/Beaver Basin.

- Conducts the recreational aspects of water project implementation studies.

- Conducts congressionally authorized Wild and Scenic River and National Historic and Scenic Trail studies.

- Through cooperative agreements, administers recreation on lands under the jurisdiction of other federal agencies.

- Provides professional and administrative support to the national, regional and park advisory boards.

In federal water resources project pre-authorization studies, the NPS may provide technical assistance in general development planning. In post-authorization studies, it may provide technical assistance in development planning, site planning, consultation pertaining to the development, interpretation and operation of recreations areas, management planning, negotiation of agreements for administration of reservoir recreation areas, and follow-up on the administration of such agreements.

16.4.15 Natural Resources Conservation Service (New Agency)

The Natural Resources Conservation Service has responsibility for all soil and water conservation programs previously performed by the Soil Conservation Service; the Wetlands Reserve, Water Bank, Colorado River Basin Salinity Control, and Forestry Incentives programs presently performed by the Agricultural Stabilization and Conservation Service; the Farms for the Future Act program presently performed by the Farmers Home Administration; and other functions related to natural resources conservation as may be assigned.

16.4.16 Rural Utilities Service (New agency)

The Rural Utilities Service has responsibility for loan programs presently performed by the Rural Electrification Administration, water and waste facility loans and grants presently assigned to the Rural Development Administration, and such other functions related to rural utility services as may be assigned.

16.4.17 Soil Conservation Service⁶⁵ (Abolished, see Subsection 16.4.15)

Soil Conservation Service (SCS) authorities and programs are provided in the Soil and Domestic Allotment Act of 1935. This act calls for the development and implementation of a continuing program of soil and water conservation on all lands, regardless of ownership, when so requested. Over the years, additional programs have been added.

Several soil surveys have been completed in Iron County and the Enterprise area in Washington County. The SCS snow survey program in the basin provides for and coordinates surveys and prepares forecasts of seasonal water supplies. This is a cooperative program with state and other federal agencies for the benefit of water users. Two projects have been completed under the Watershed Protection and Flood Prevention Act (Public Law 83-566), as amended (See Section 9).

The Resource Conservation and Development (RC&D) program began with the Food and Agriculture Act of 1962 (Public Law 87-703), as amended. It provides assistance to government and non-profit organizations in multiple-jurisdictional areas. The Cedar/Beaver Basin is located within the Color Country RC&D Project area.

The Emergency Watershed Program provides technical and financial assistance to relieve eminent hazards to life and property. These hazards include floods and products of erosion created by natural disasters causing sudden impairments. Considerable assistance was provided during flooding in the wet years of 1983-4. ■ ■